

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	
GUSTAVO KINRYS,)	
Defendant.)	Criminal No. 20-CR-10307-DJC
_____)	
)	
IRENA CAFASSO,)	
)	
Petitioner)	

**UNITED STATES' MOTION FOR LEAVE TO PRODUCE LIMITED DISCOVERY
AND STATUS REPORT ON ANCILLARY FORFEITURE PROCEEDINGS**

In connection with the ancillary forfeiture proceedings involving two real properties,

(a) 2 Fuller Brook Road, Wellesley, MA, and (b) 4 Goose Cove Way, Nantucket, MA, the United States, with the assent of Petitioner Irena Cafasso (“Petitioner”), hereby moves for leave to produce limited discovery and submits this status report.

The Petitioner filed a petition to adjudicate the validity of her interests in the two real properties. (Docket No. 285). Since that filing, the United States and Petitioner have engaged in substantive discussions regarding those interests with an aim to streamline matters to resolution without the necessity of a hearing. To advance those discussions, among other things, the Petitioner has agreed to allow the United States Marshals Service and its contractors to conduct an onsite appraisal of the two real properties.

The Petitioner has also sought, through an informal discovery request, certain bank records that are in the custody of the United States, specifically bank statements from the Defendant’s business account at Bank of America ending in -8804 from January 2015 to April 2018, and bank statements from the Petitioner’s and the Defendant’s joint bank account at

Needham Bank ending in -8513 for the years 2015 to 2016.¹ The United States has no objection to producing these records, and has asked Defendant's counsel if he has any objection to the government producing his bank records to his wife. As of the date of this filing, the government submits that defense counsel has been unable to discuss with the Defendant.

Pursuant to Fed. R. Crim. P. 32.2(c)(1)(B), the government requests leave to produce limited discovery to the Petitioner, as described above. Fed. R. Crim. P. 32.2(c)(1)(B) provides that, "before conducting a hearing on the petition, the court may permit the parties to conduct discovery in accordance with the Federal Rules of Civil Procedure if the court determines that discovery is necessary or desirable to resolve factual issues." The government, with the assent of the Petitioner, believes that limited discovery information relating to two bank accounts which were used to purchase and/or pay the mortgage of the two real properties is necessary and desirable to resolve factual issues related to the Petitioner's interest in the two real properties.

¹ According to counsel for Petitioner, the Petitioner has unable to access these records directly from Needham Bank.

WHEREFORE, the United States respectfully requests leave to produce to the Petitioner:

1. bank statements from the Defendant's business account at Bank of America ending in -8804 from January 2015 to April 2018; and
2. bank statements from Petitioner's and the Defendant's joint account at Needham Bank ending in -8513 for the years 2015 to 2016.

Respectfully Submitted,

JOSHUA S. LEVY
Acting United States Attorney,

By: /s/ Carol E. Head
CAROL E. HEAD
Assistant United States Attorney
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100
carol.head@usdoj.gov

Dated: November 14, 2024